

architect or other professional as licensed and authorized by the California Business and Professions Code; and

- (f) All construction work required by this division shall be performed by a contractor licensed by the State of California except that any person owning property that is or will be that person's primary residence may perform *grading* on that property and any construction work authorized by a Public Right-of-Way Permit as a result of application by a *public utility* may be performed by the *public utility*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§129.0730 Decision Process for Public Right-of-Way Permits**

A decision on an application for a Public Right-of-Way Permit shall be made in accordance with Process One. A Public Right-of-Way Permit shall be approved if the proposed work is consistent with the Municipal Code, applicable *development* standards, and any *development permits* approved for that project.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§129.0731 Timeliness of Decision**

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, a decision to approve or deny the permit shall be made no less than forty-five *business days* after the date on which the application is *deemed complete*. When a decision is not made within the required time, and the *applicant* does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the *applicant*.

(“Timeliness of Decision” added 1-13-2004 by O-19253 N.S.)

#### **§129.0732 Judicial Review**

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

(“Judicial Review” added 1-13-2004 by O-19253 N.S.)

#### **§129.0741 Issuance of a Public Right-of-Way Permit**

- (a) A Public Right-of-Way Permit may be issued after the construction plans have been approved by the City Engineer, the prescribed fees have been paid, the required insurance has been guaranteed, and the required bond has been posted.

- (b) A Public Right-of-Way Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0742 Commencement of Work Within a Public Right-of-Way**

- (a) The *applicant* shall not begin any work, construction, or use within the *public right-of-way* that will be authorized by a Public Right-of-Way Permit until the required permit has been issued.
- (b) Work within the *public right-of-way* shall be performed only during the dates and hours specified in the permit or on the approved traffic control plans.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0743 Initial Utilization of a Public Right-of-Way Permit**

A Public Right-of-Way Permit shall become void if the work authorized by the permit has not begun within 180 calendar days of the date of permit issuance.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0744 Maintaining Utilization of a Public Right-of-Way Permit**

A Public Right-of-Way Permit shall become void if, at any time after the work has begun, the work authorized by the permit is suspended or abandoned for a period of 180 calendar days.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0750 Expiration of a Public Right-of-Way Permit**

- (a) A Public Right-of-Way Permit shall expire by limitation and become void 24 months after the date of permit issuance, unless an exception is granted in one of the following ways:
  - (1) At the time of permit issuance, the City Manager may approve an expiration date exceeding 24 months if the permittee can demonstrate that the complexity or size of the project makes completion of the project within 24 months unreasonable. The expiration date for the Public Right-of-Way Permit shall be specified on the permit; or
  - (2) A Public Right-of-Way Permit issued as part of a *subdivision* improvement agreement shall expire in accordance with the terms of that agreement.
- (b) If the work authorized by a Public Right-of-Way Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§129.0751 Extension of Time for a Public Right-of-Way Permit**

The expiration date for a Public Right-of-Way Permit may be extended as follows:

- (a) An application for an extension of time shall be filed with the City Manager before, but no earlier than 60 calendar days before, the permit expiration date. The City Manager may extend the Public Right-of-Way Permit for a period not exceeding 180 calendar days if the City Manager determines that circumstances beyond the control of the permittee prevented completion of the work. A Public Right-of-Way Permit shall not be extended more than once except as provided in Section 129.0751(d).
- (b) If an application for an extension of time has been submitted by the expiration date, and in accordance with this section, the existing Public Right-of-Way Permit shall automatically be extended until the City Manager has made a decision on the application for an extension.
- (c) If a Public Right-of-Way Permit expires before an application is submitted for an extension of time, an extension shall not be granted. To proceed with the same *development*, a new application is required and the application shall be treated as a new application.
- (d) If an extension of time has been previously approved in accordance with Section 129.0751(a), the City Manager may extend the expiration of a Public Right-of-Way Permit one additional time if the City Manager finds the following:
  - (1) There has not been a significant change in the regulations applicable to the site since the date of permit issuance;
  - (2) The additional extension is in the public interest; and
  - (3) Circumstances beyond the control of the *applicant* prevented the authorized work from proceeding.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0752 Construction Change to a Public Right-of-Way Permit**

- (a) A proposed construction change to a Public Right-of-Way Permit must be approved before the commencement of the construction change. A decision on a construction change shall be made in accordance with Section 129.0730.

- (b) A proposed construction change to a Public Right-of-Way Permit that was approved in conjunction with another permit or map may be approved only if the proposed change is in *substantial conformance* with the other approved permit or map. If the proposed change is not in *substantial conformance* with the other approved permit or map, the other permit or map must be amended before consideration of the construction change.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0760 Inspection of Work in the Public Right-of-Way**

All work in the *public right-of-way* that is authorized by a Public Right-of-Way Permit shall be inspected by the City Engineer in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual. Professional inspection in accordance with Section 129.0761 shall be provided by the Engineer of Record as designated by the permittee.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0761 Designation of Engineer of Record**

- (a) The permittee shall retain and designate an Engineer of Record for each area of technical expertise needed to provide professional inspection services as required by the City Engineer and described in the Land Development Manual.
- (b) If an Engineer of Record is changed, the work shall be stopped until the replacement Engineer has agreed in writing to accept responsibility as Engineer of Record. The permittee is responsible for notifying the City Engineer in writing of any change before work resumes.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§129.0770 Completion of Work**

The permittee shall notify the City Engineer when the work is ready for final inspection. Final approval shall not be given until all work has been completed in accordance with the final approved plans and the as-built plans and *As-Graded Reports* have been submitted to and approved by the City Engineer in accordance with standards established in the Land Development Manual. If the work in the *public right-of-way* is a requirement for a Building Permit, the Certificate of Occupancy shall not be issued until the work is completed by the permittee and approved by the City.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*